

REMARKS/ARGUMENTS

Initially, Applicant would like to express their appreciation to the Examiner for the detailed Official Action provided, and for acknowledgement of Applicant's Claim of Priority and receipt of the certified copy of the priority document in the Official Action. However, Applicant notes that the Examiner has not acknowledged that the drawings are acceptable, and it is requested that the Examiner indicate the same in the next Official Action.

Upon entry of the above amendment, claims 1-3 will have been amended. Claims 1-3 are currently pending. In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections together with an indication of the allowability of all of the claims in the present application, in due course.

In the Official Action, the Examiner objected to the Specification, including the Abstract, for being cumbersome and unclear. The Specification, including the Abstract, has been amended, where appropriate; to more clearly recite features of embodiments of the present disclosure. Accordingly, Applicants have amended the specification as suggested by the Examiner on pages 2 and 3 of the Official Action. Therefore, the objection to the Specification is believed to be moot and should be withdrawn.

In the Official Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by TAKAHASHI et al. (U.S. Patent No.5,901,025); and

Claims 1 and 2 were rejected under 35 U.S.C. § 102(a) as being anticipated by Applicant's Admitted Prior Art (AAPA).

Although Applicant does not necessarily agree with the Examiner's rejection of the claims on these grounds, nevertheless, Applicant has amended independent claim 1 to clearly obviate the above-noted grounds of rejection in order to expedite prosecution of the present application. In this regard, Applicant notes that TAKAHASHI and AAPA fail to teach or suggest the combination of elements as recited in amended claim 1. In particular, claim 1, as amended, sets forth a thermal overload relay including, inter alia, a plurality of main bimetals arranged such that a longitudinally extending direction of each main bimetals is generally parallel to a bottom surface of the case and configured to bend when the abnormal state occurs, and..... a lever connected to the shifter that transfers the movement force from the shifter to the switch, wherein a temperature compensation bimetal contacts an end of the lever.

Applicant submits that TAKAHASHI and the AAPA lack any disclosure of the *plurality of main bimetals arranged such that a longitudinally extending direction of each main bimetals is generally parallel to a bottom surface of the case and configured to bend when the abnormal state occurs, and..... a lever connected to the shifter that transfers the movement force from the shifter to the switch, wherein a temperature compensation bimetal contacts a end of the lever.*

The Examiner cites to TAKAHASHI, Figures 17, 18 and 24, as purportedly disclosing an identical thermal overload relay (see Page 4 of the Official Action). However, it appears that TAKAHASHI discloses an end of the lever contacting a

contact operation mechanism when the current is smaller than a rated value. This is very different structurally from the lever of a feature of an embodiment of the present disclosure where a temperature compensation bimetal contacts a end of the lever. Thus, TAKAHASI fails to disclose a temperature compensation bimetal contacting an end of the lever.

Further, the Examiner cites to the AAPA (see the Present Disclosure, Fig. 2, Pages 1-8) as teaching, among other things, a plurality of main bimetals arranged in parallel to the bottom surface of the case. However, the plurality of bimetals, as disclosed in the AAPA, actually extend perpendicularly to the bottom surface of the casing (Figure 2 of the Present Disclosure, labeled Prior Art). Therefore, the aforementioned arrangement has the disadvantage of an increased height of the casing when compared to a feature of an embodiment of the present disclosure (see the Present Disclosure, Page 8, lines 3-10). Thus, the AAPA fails to disclose plurality of main bimetals arranged such that the longitudinally extending direction of the main bimetals are generally parallel to the bottom surface of the case and configured to bend when the abnormal state occurs. Accordingly, the rejection of claims 1-3 under 35 U.S.C. § 102(b) is improper for all the above reasons and withdrawal thereof is respectfully requested.

In the Official Action, the Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of TAKAHASHI.

Applicant however respectfully traverses the above-noted rejection and submits that it is inappropriate for at least each of the following reasons.

Applicant further submits that dependent claim 3 is at least patentable due to its dependency from claims 1 for reasons noted above. In this regard, even assuming, arguendo, that the teachings of AAPA and TAKAHASHI have been properly combined; the proposed combination still would not have resulted in the features of the embodiments of the present disclosure. Further, the Examiner has not presented sufficient motivation for the proposed modifications, and the only reason to combine the teachings of the applied prior art results from a review of Applicant's disclosure and the application of impermissible hindsight. Accordingly, the rejection of claims 3, under 35 U.S.C. § 103(a) is improper for all the above reasons and withdrawal thereof is respectfully requested.

In view of the foregoing amendments and arguments herein, Applicant submits that independent claim 1 is in condition for allowance. With regard to dependent claims 2 and 3 Applicant asserts that they are allowable on their own merit, as well as because they depend from independent claim 1 which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

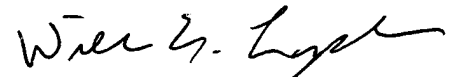
SUMMARY

Applicant submits that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Kyung Ku LEE



Bruce H. Bernstein
Reg. No. 29,027

William E. Lyddane
Reg. No. 41,568

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GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191